



Recognize Direct and Indirect Workplace Harassment of Disabled Individuals

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Many **people with disabilities** experience difficulty in their workplaces. Most times, they face challenges in being held to the same standard as their co-workers who do not have physical, mental, or emotional disabilities as protected by the **American with Disabilities Act (ADA)**. However, people with disabilities have been making more claims for harassment at work due to their disability.

Many companies have the training and explicit guidelines for sexual harassment. Yet few businesses have similar policies regarding harassment against people with disabilities. This article is about disability discrimination as well as indirect and direct disability harassment.

What is Disability Harassment and Disability Discrimination?

Disability discrimination is an illegal work environment. Disability discrimination occurs when a person receives different treatment at their job or potential job due to a real or perceived disability. Discrimination for associating with a disabled person is also illegal. Some general examples include:

- Discrimination in the areas of recruitment, hiring, firing, training, assignments, promotions, benefits, pay, leaves, and other work-related policies.
- Mocking, criticizing, or harassing an employee or co-worker due to their disability.
- Asking applicants or employees about their current or past medical conditions.
- Requiring a medical exam.
- Having limiting physical barriers in the workplace.
- Not making reasonable accommodations for employees with disabilities.

Direct Disability Discrimination

Direct disability discrimination when a behavior specifically targets and treats someone at work worse than another person who does not have a disability. For example, imagine a job interview. During the interview, the applicant tells the interviewer that they have Bipolar Disorder. The interviewer does not hire the person, even though they were the best candidate, because they may need time off work to manage their illness. This assumption and not giving the job to the candidate both would breach ADA compliance.

Indirect Disability Discrimination

Indirect disability discrimination is more complicated. Instead of a person's direct behavior causing the discrimination, a general workplace policy disproportionately impacts disabled persons. This situation would be illegal, according to the ADA. The organization would need to prove the policy is necessary and proportionate to be kept in place. Let's look at situation to illustrate what is and what is not indirect disability discrimination.

Consider a job application describing a role with the requirement for an applicant to have a driving license. Many disabled people may not be able to take that job due to their illness. If the job was for a chauffeur position, that could be justified. On the other hand, if the job was for a concierge position at two locations for a hotel chain, an argument would be much more difficult to be legitimate.

Work with Attorneys Dedicated to Ending Your Disability Discrimination

Workplace discrimination is never acceptable. All people should have the same opportunities to lead independent lives while contributing to society. If you believe your rights have been violated, contact the legal offices of Pitt, McGehee, Palmer, Bonanni & Rivers. Our lawyers have experience defending workers and individuals who don't have an advocate. Call us today to discuss your case.

[Speak to a Pro: \(248\) 398-9800](#)

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